REMARKS

As filed, the present application contained 71 claims. In the outstanding March 24, 2010 Office Action, the Examiner has stated that the 71 claims comprise six (6) inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1. Applicant respectfully responds by traversing the Restriction Requirement, and in the event that the Examiner disagrees with applicant's position, provides an election of a single group.

The Examiner has required election of a single group of claims from the following groups:

> Group I, claim(s) 1-11, drawn to a dosage form comprising at least 90% of an adverse agent adsorbed onto an adsorbent.
>
> Group II, claim(s) 12-39, drawn to a dosage form comprising a first particle of active agent and a second particle of adverse agent.
>
> Group III, claim(s) 40-56, drawn to a dosage form comprising a core containing adsorbent and adverse agent; and a shell containing an active agent.
>
> Group IV, claim(s) 57-62, drawn to a method of preparing a dosage form comprising of contacting the adsorbent with the liquid and separating the adsorbent from the liquid phase.
>
> Group V, claim(s) 63-70, drawn to a method of preparing a dosage form comprising fluidizing the adsorbent and spraying the liquid onto the fluidized adsorbent.
>
> Group VI, claim(s) 71, drawn to a kit for treating a patient for pain comprising instructions.

As support for the Restriction Requirement, the Examiner stated the following:

> The claims herein lack unity of invention under PCT Rule 13.1 and 13.2 because, pursuant to 37 C.F.R. § 1.475(a), the composition defined in the claims lack the special technical feature that defines a contribution over the prior art. The technical feature in the instant claims is a dosage form comprising an adsorbent and an adverse agent, which does not define a contribution over the prior art, as disclosed in LEE et al (WO 02/051389).

It is noted that U.S. Patent Application Publication No. 2006/0188451 (corresponding

to WO 02/051389) discloses aerogel particles which are either an aerogelized form of a pharmaceutical or deposited upon aerogel particles produced from a non-inorganic oxide material, *e.g.*, a sugar or carbohydrate, wherein the aerogel particles are readily dissolvable by the pulmonary surfactant present in the lungs and the pharmaceutical agent is administered to the patient's bloodstream. In contrast thereto, the present invention comprises an adverse agent adsorbed on to an adsorbent whereby the adsorbent comprising the adverse agent passes through the patient's system without administering any, or only a small amount, of the adverse agent to the patient's bloodstream when the dosage form is administered intact, as intended. Thus, it is respectfully submitted that the present claims satisfy unity of invention pursuant to PCT Rules 13.1 and 13.2.

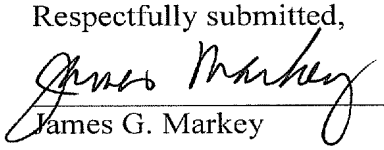
If the Examiner maintains a lack of unity restriction requirement, it is submitted that at least both Group II, claims 12-29 drawn to a dosage form comprising a plurality of first particles comprising an active agent and a plurality of second particles comprising an adverse agent adsorbed onto an adsorbent, and Group III, claims 40-56 drawn to a dosage form comprising an active agent, and an adverse agent adsorbed onto an adsorbent, have unity of invention. It is noted that although the Examiner characterizes claims 40-56 as being "drawn to a dosage form comprising a core containing adsorbent and adverse agent and a shell containing adsorbent and adverse agent," only claim 56 recites a core and a shell. If acceptable, applicant elects to prosecute the claims of both Groups II and III.

If the Examiner maintains the requirement to elect a single group of claims, applicant elects Group III, claims 40-56.

It is not believed that any fee is due for filing the present response, however if any fee becomes due in the present application, please charge the required fee to Duane Morris LLP Deposit Account No. 04-1679.

Respectfully submitted,

Date: June 2, 2010



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